

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH COLE, et al.,

Plaintiffs,

§

§

§

v.

CIVIL ACTION NO. 4:14-cv-1698

§

§

BRYAN COLLIER, et al.,

Defendants.

§

DEFENDANTS' UNOPPOSED MOTION TO TERMINATE SANCTIONS
AND CONTEMPT PROCEEDINGS AND PROPOSED ORDER
AWARDING RELIEF AND ATTORNEYS' FEES

EXHIBIT A

AD-03.05 Inmates Identified as Pack Unit Class Members (rev. 1)

February 17, 2022



TEXAS DEPARTMENT

NUMBER: AD-03.05 (rev. 1)

OF

DATE: February 17, 2022

CRIMINAL JUSTICE

PAGE: 1 of 3

SUPERSEDES: April 3, 2020

ADMINISTRATIVE DIRECTIVE

SUBJECT: INMATES IDENTIFIED AS PACK UNIT CLASS MEMBERS

AUTHORITY: Tex. Gov't Code §§ 493.001, 493.006(b), 494.001, 494.002(a); BP-02.08, "Statement of Internal Controls"; *Keith Cole, et al. v. Bryan Collier, et al.*, 4:14-cv-0168, United States District Court, Southern District of Texas, Houston Division, "Proposed Settlement Agreement and Release," Docket Entry (DE) 989; "Order Amending Class Certification, Approving Class Notice, and Setting Date for Fairness Hearing," DE 1065, and "Final Order and Judgment Approving Class Action and Settlement and Attorneys' Fees," DE 1188

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

POLICY:

The TDCJ establishes procedures for the management of inmates identified as Pack Unit Class Members.

DEFINITIONS:

The following terms are defined for the purpose of this policy and are not intended to be applicable to other policies or procedures.

"ACPAC" is a classification designator utilized within the TDCJ to identify inmates who fall under the "AUTHORITY" clause as noted in this policy.

"Pack Unit Class Members" (Pack class members) are inmates incarcerated at the Wallace Pack Unit on or between the dates of July 19, 2017, and August 8, 2017, and all other inmates specifically identified in and certified by the court in DE 1065.

PROCEDURES:

Inmates identified as Pack class members shall be housed and transported in air-conditioned environments where the heat index is at 88°F or below.

I. Intake

If a Pack class member returns from a bench warrant, intake staff shall access the mainframe screen, Current Institutional Adjustment Record, to verify the ACPAC code placement. Additional methods identifying an inmate as a Pack class member include:

- A. Yellow transport card; and
- B. Yellow countroom tabs.

II. Transfers

If a Pack class member's custody or security needs can no longer be met at their current unit of assignment, unit administration shall initiate a transfer request, which shall be reviewed by the Correctional Institutions Division (CID) director. Upon concurrence, the request shall then be forwarded to the deputy executive director for approval.

Once the transfer request is approved by the deputy executive director, the inmate shall be scheduled for transport to a pre-determined, appropriate air-conditioned unit and added to the transportation roster, which is printed and reviewed by central transportation the day prior to the scheduled transport, and by drivers immediately before transport. Transportation staff shall ensure the inmate is placed in a designated transportation vehicle with fully functioning air-conditioning.

In the event of a medical emergency, the review and concurrence by the CID director may be suspended; however, the deputy executive director shall be notified immediately of the medical emergency.

III. Pack class members shall only be assigned to units with housing areas equipped to digitally record temperatures, including the heat index. Temperatures at units housing Pack class members shall be continually monitored from April 15 to October 15 each year. Pack class members shall not be held in an environment in which the heat index reaches greater than 88°F. In the event the heat index reaches 83°F, designated unit staff shall immediately notify the deputy executive director.

IV. During periods prior to or after the monitoring period defined in the settlement agreement, designated staff at units housing Pack class members shall collect digitally recorded temperatures at the discretion and direction of the deputy executive director.

V. Unit grievance staff shall immediately notify the Administrative Review and Risk Management (ARRM) Division director as well as the unit warden when heat-related

grievances are submitted by Pack class members. The ARRM division director shall then notify the deputy executive director. Copies of all heat-related grievances submitted by Pack class members shall be forwarded to the deputy executive director for review.

- VI. The Office of Emergency Management shall monitor weather projections throughout the state using weather data from the National Oceanic Atmospheric Administration (NOAA). The data will be used to determine whether the air-conditioning at units may need to be adjusted prior to or after the monitoring period defined in the settlement agreement. The Office of Emergency Management shall ensure the deputy executive director is kept informed of any weather-related forecasting and conditions affecting Pack class members.
- VII. The deputy executive director shall facilitate monthly meetings with senior staff and/or others regarding units housing Pack class members and other heat-related issues as deemed necessary.
- VIII. In the event the air conditioning at a unit that houses class members or the air conditioning in a vehicle used to transport class members malfunctions, unit or inmate transportation staff shall immediately notify the deputy executive director, who shall promptly resolve the issue.

Bryan Collier*
Executive Director

* Signature on file